

IN THE UNITED STATES BANKRUPTCY COURT OF
THE DISTRICT OF PUERTO RICO

IN THE MATTER OF:

MARUZELLA MARCANO DIAZ

CASE NO. 14-01777 MCF

CHAPTER 13

MOTION TO DISMISS

TO THE HONORABLE COURT:

Now comes, Consejo Residentes Lirios Cala, Inc. Creditor, through counsel, and most respectfully STATES and PRAYS:

First, Instant petition was filed on March 7, 2014.

Second, On June 10, 2014, appearing party filed a secured proof of claim which is incorporated by reference.

Third, Debtors failed to make post-petition payments to the Creditor in the amount of \$416.00 as of filing of this motion. Total post-petition arrears \$416.00 plus \$150.00 for legal cost.

Fourth, Failure to make post-petition payments constitute cause for dismissal under 11 U.S.C., §1307 (and LBR 1017-1), in that the debtor's actions have caused unreasonable delay that is prejudicial to creditors.

Fifth, Dismissal of instant petition is beneficial to creditors and parties in interest.

Sixth, Enclosed Statement under Servicemembers Civil Relief Act. See **Attachment I**.

WHEREFORE it is respectfully requested that this Motion BE GRANTED and that instant matter be dismissed, for the benefit of Movant awarding \$150.00 in cost, with such further relief as is deemed appropriate under the circumstances.

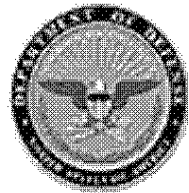
RESPECTFULLY SUBMITTED.

Within thirty (30) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

CERTIFICATE OF SERVICE: I hereby certify that on this same date the foregoing motion was filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all CM/ECF participants. I further certify that an exact copy of this document will be sent by us mail to all non CM/ECF participants that are interested parties as per the attached address list.

In San Juan, Puerto Rico, February 10, 2015.

/S/Agustín Mangual Amador, Esq.
USDC-PR#210707
623 Ponce de León Ave.
Suite 904-B
San Juan, Puerto Rico 00917
Tel. (787)753-1316, Fax (787)261-9168



Status Report
Pursuant to Servicemembers Civil Relief Act

Last Name: MARCANO
First Name: MARUZELLA
Middle Name:
Active Duty Status As Of: Feb-10-2015

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Mary M. Snavelly-Dixon

Mary M. Snavelly-Dixon, Director
Department of Defense - Manpower Data Center
4800 Mark Center Drive, Suite 04E25
Arlington, VA 22350

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenseink.mil" URL: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 521(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected

WARNING: This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

Certificate ID: O2E5V6ACM12DA40

AEEELA
PO Box 364508
San Juan, PR 00936-4508

CONSEJO RESIDENTES LIRIOS CALA, INC.
PO BOX 1043
SABANA SECA, PR 00952-1043

Carmen I Roman Lopez
HC 2 Box 8642
Yabucoa, PR 00767-9328

Department of Treasury
Bankruptcy Section (424)
P.O. Box 9024140
San Juan PR 00902-4140

Emi Eqty Mtg
1651 Ave Ponce De Leon
San Juan, PR 00909-1896

FONDO COOP
PO BOX 42006 Minillas Sta
San Juan, PR 00940-2006

First Premier Bank
PO Box 5519
Sioux Falls, SD 57117-5519

IRS
PO BOX 7346
PHILADELPHIA, PA 19101-7346

Marta Caballero Roman
PO Box 1897
Juncos, PR 00777-1897

Sistema De Retiro
PO Box 42003
San Juan, PR 00940-2203

Thd/chna
PO Box 6497
Sioux Falls, SD 57117-6497

Yabu Coop
PO Box 1
Yabucoa, PR 00767-0001

ALEJANDRO OLIVERAS RIVERA
ALEJANDRO OLIVERAS CHAPTER 13 TRUS
PO BOX 9024062
SAN JUAN, PR 00902-4062

MARUZZELLA MARCANO DIAZ
URB LIRIOS CALA II
V 475 CALLE SAN JORGE
JUNCOS, PR 00777-8516

MONSITA LECAROEZ ARRIBAS
OFFICE OF THE US TRUSTEE (UST)
OCHOA BUILDING
500 TANCA STREET SUITE 301
SAN JUAN, PR 00901

ROBERTO FIGUEROA CARRASQUILLO
PO BOX 186
CAGUAS, PR 00726-0186

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)EMI EQUITY MORTGAGE, INC
c/o WVS LAW LLC
17 MEXICO ST, SUITE D-1
SAN JUAN, PR 00917-2202

End of Label Matrix
Mailable recipients 18
Bypassed recipients 1
Total 19